

REMARKS

Reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Office Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-27 are now pending in this application, with Claims 1, 4, 19, and 24 being independent. Claims 1, 2, and 4-21 have been amended and Claims 22-27 are newly-presented herein.

Initially, Applicant notes with appreciation the indication that Claims 19-21 recite allowable subject matter. These claims were objected to for being dependent upon a rejected base claim. In response, Claim 19 has been rewritten in independent form. Accordingly, Claims 19-21 are believed to be in condition for allowance.

Claims 4, 8 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Without conceding propriety of these rejections, Applicant has reworded the language questioned by the Examiner. Reconsideration and withdrawal of the § 112, second paragraph, rejection are requested.

Claims 1-18 were rejected under 35 U.S.C. § 103 as being unpatentable over UK Patent Application No. 2 235 154 (Rigley) in view of U.S. Patent No. 4,372,174 (Cymbalistry et al.). This rejection is respectfully traversed.

Rigley is directed to a sawing apparatus in which saw blade 16 is movable along a path across a saw bed 15 on which a cutting member, such as a concrete beam, is placed. Removable barrier walls 41, 42 extend along either side of the path of travel of the saw blade.

The barrier walls comprise a series of inflatable bags 45 and can envelop the member to be sawn to provide a fluid seal therewith. The space between the barrier walls can be filled with fluid. Thus, walls 41, 42 define opposite sides of a bath 50. One end of the bath is defined by saw blade cowling 53, which can engage opposed ends of the walls 41, 42 prior to initiation of the sawing operation, and an unshown movable wall is similarly moved to engage the opposite ends of the walls 41, 42, and thereby define the opposite end of the bath.

Rigley, however, does not disclose the use of a core holder. With the present invention, by using a core holder in addition to a core support device, a core sample can be mounted and properly aligned for cutting at a location away from the core splitter. Such mounting and aligning can be performed on a working surface where the core holder and core sample can be clearly visible to the operator. Further, if the core has been broken into smaller sections, the smaller sections can be properly aligned on the core holder. With the properly aligned core sample held in the core holder, the core holder can be placed on the core support device beneath the surface of the liquid bath. It should be noted that the liquid in the liquid bath may become relatively opaque in a previous cutting operation, and it will be difficult to align the core sample with such restricted visibility without the use of a core holder. Accordingly, the use of a core holder can make the operation of the core splitter quicker and more effective.

Rigley fails to disclose or suggest at least the steps of mounting a core sample in a core carrier and supporting the core carrier with the core sample therein on core support means submerged in a liquid bath, as is recited in independent Claim 1. Nor does Rigley disclose or suggest at least a core support device for holding a core in position during a cutting operation,

with the core support device being located within a trough, and a core holder into which a core can be carried and which can be placed on the core support device, as is recited in independent Claim 4.

Thus, Rigley fails to disclose or suggest important features of the present invention recited in independent Claims 1 and 4.

It is further submitted that Rigley does not disclose or suggest the cowling recited in independent Claim 24. While cowling 53 of Rigley may engage ends of walls 41, 42 to define one end of bath 50, it cannot be said that the cowling is arranged so as to have its lower edges submerged within a liquid bath, as is recited in independent Claim 24. Thus, Rigley also fails to disclose or suggest important features of the present invention recited in independent Claim 24.

Cymbalisty et al. describes using angularly disposed circular saws to cut a frozen core. Stationary cradle means 3 formed of concave brackets 4 can support and hold core 1 during the cutting operation. Cymbalisty et al., however, does not disclose or suggest a core holder or a cowling. Accordingly, any combination of Rigley and Cymbalisty et al. would fail to meet deficiencies of Rigley noted above with respect to the independent claims.

Thus, Claims 1, 4 and 24 are also patentable over the citations of record. Reconsideration and withdrawal of the § 103 rejection are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 1, 4, 19, and 24. Dependent Claims 2, 3, 5-18, 20-23, and 25-27 are also allowable, in their own right, for defining features of the present

invention in addition to those in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the objection and rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200